

House Study Bill 179

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to sanctioning the motor vehicle operating
2 privileges of a person upon a second or subsequent conviction
3 for motor fuel theft from a retail dealer.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2521HC 81
6 dea/pj/5

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1 1 Section 1. Section 321.215, subsection 1, unnumbered
1 2 paragraph 2, Code 2005, is amended to read as follows:
1 3 However, a temporary restricted license shall not be issued
1 4 to a person whose license is revoked pursuant to a court order
1 5 issued under section 901.5, subsection 10, or under section
1 6 321.209, subsections 1 through 5 or subsection 7, or to a
1 7 juvenile whose license has been suspended or revoked pursuant
1 8 to a dispositional order under section 232.52, subsection 2,
1 9 paragraph "a", for a violation of chapter 124 or 453B, or
1 10 section 126.3, or to a person whose license has been suspended
1 11 pursuant to a court order under section 714.7D. A temporary
1 12 restricted license may be issued to a person whose license is
1 13 revoked under section 321.209, subsection 6, only if the
1 14 person has no previous drag racing convictions. A person
1 15 holding a temporary restricted license issued by the
1 16 department under this section shall not operate a motor
1 17 vehicle for pleasure.

1 18 Sec. 2. Section 321.215, subsection 2, unnumbered
1 19 paragraph 1, Code 2005, is amended to read as follows:
1 20 Upon conviction and the suspension or revocation of a
1 21 person's noncommercial driver's license under section 321.209,
1 22 subsection 5 or 6; section 321.210; 321.210A; or 321.513; or
1 23 upon revocation pursuant to a court order issued under section
1 24 901.5, subsection 10; or upon the denial of issuance of a
1 25 noncommercial driver's license under section 321.560, based
1 26 solely on offenses enumerated in section 321.555, subsection
1 27 1, paragraph "c", or section 321.555, subsection 2; or a
1 28 juvenile, whose license has been suspended or revoked pursuant
1 29 to a dispositional order under section 232.52, subsection 2,
1 30 paragraph "a", for a violation of chapter 124 or 453B, or
1 31 section 126.3, or upon suspension of a driver's license
1 32 pursuant to a court order under section 714.7D, a person may

1 33 petition the district court having jurisdiction over the
1 34 residence of the person for a temporary restricted license to
1 35 operate a motor vehicle for the limited purpose or purposes
2 1 specified in subsection 1. The petitioner shall include a
2 2 current certified copy of the petitioner's official driving
2 3 record issued by the department. The application may be
2 4 granted only if all of the following criteria are satisfied:

2 5 Sec. 3. NEW SECTION. 714.7D RETAIL MOTOR FUEL.
2 6 Upon a second or subsequent conviction of a person under
2 7 section 714.2, subsection 5, for theft of motor fuel from a
2 8 retail dealer as defined in section 214A.1, the court may
2 9 order the state department of transportation to suspend the
2 10 driver's license or nonresident operating privilege of the
2 11 convicted person for up to thirty days in lieu of, or in
2 12 addition to, a fine or imprisonment.

EXPLANATION

2 14 This bill provides that a court may order suspension of a
2 15 person's driver's license or nonresident operating privilege
2 16 in lieu of, or in addition to, any other penalty which may be
2 17 imposed, upon a second or subsequent conviction for theft of

2 18 motor fuel not exceeding \$200 in value from a retail dealer.
2 19 In a case of extreme hardship, the person whose driver's
2 20 license was ordered suspended may petition the district court
2 21 which has jurisdiction over the person's residence for a
2 22 temporary restricted license to drive from the person's home
2 23 to specified places involving employment, health care,
2 24 education, substance abuse treatment, or court-ordered
2 25 community service. Such a temporary restricted license
2 26 applies only for noncommercial motor vehicle operation.
2 27 Under current law, theft of property not exceeding \$200 in
2 28 value is a simple misdemeanor, punishable by a fine of at
2 29 least \$50 but not more than \$500, or by imprisonment for no
2 30 more than 30 days, or by both.
2 31 LSB 2521HC 81
2 32 dea:nh/pj/5